

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

69

Kim Smith

Plaintiff

:
: Civil Action No. 1:01-0817

vs.

James Morgan et al.,

Respondent

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FILED
SCRANTON

JUL 12 2002

PER  DEPUTY CLERK

REQUEST FOR COURT ORDER

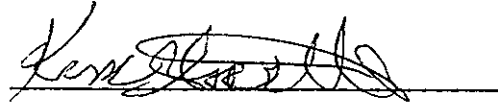
AND NOW, COMES Kim Smith a lay person not lettered in legal matters and without the aid of counsel, prays a less stringent standard be applied to this pro-se request for a Court order to obtain a copy of transcripts.

Petitioner respectfully request the Court to issue an order directing the Court Reporter to provide Kim Smith CJ-2162, 1 Kelley Dr. Coal Township Pa. 17866-1021 with a copy of the transcripts transcribed from the May 17, 2002 deposition summary, to review and make any necessary changes to this deposition, or typographical errors, or the substance of the information that may not have been covered in this deposition, or the 550 page exhibit that was submitted to the respondents.

As a pauper petitioner should be entitled to a copy of this transcript, to aid him in the preparation of his case and to better present this matter to the Court. As the manner in which Mr. Talaber sets forth in his June 28, 2002 letter attached herein as exhibit A will not give petitioner adequate time to review these transcripts and make the requested changes, and match such with the 550 page exhibit. Also this manner may affect the operation of institutional staff and limit petitioners time in which to review transcripts, and such would be hard to adequately do when petitioner will be pressed for time. More over institutional staff will make this as hard as they can as they will not aid an inmate in bring an action against them. If they were acting to the letter of the law and providing adequate treatment then their would not be a need for this action,

since the act in the manner that they have they can and should be held accountable for their action and any violation of constitutional rights or civil rights when denying an inmate adequate health care for his serious illnesses.

Respectfully Submitted

A handwritten signature, likely "Kenneth A. Smith", is written over a horizontal line.

PROOF OF SERVICE

I certify that on or about July 10, 2002 I turned over to D block officer a true and correct copy of this motion for court order to be forward to the institutional mail room to be sent to the United States Postal Service to be mail by way of first class mail to the below listed parties.

May D'Andrea
Clerk of Courts
United States District Court
Middle District of Pa.

Mr. Fairall Jr. Esq.
James Young Esq.
Kim Smith



PENNSYLVANIA DEPARTMENT OF CORRECTIONS
OFFICE OF CHIEF COUNSEL
55 UTLEY DRIVE
CAMP HILL, PENNSYLVANIA 17011
(717) 731-0444

June 28, 2002

Kim Smith, CT-2162
1 Kelley Drive
Coal Township, PA 17866-1020

Re: Smith v. Morgan, et al., No. 1: 01-0817

Dear Mr. Smith:

This letter is in reference to the deposition summary in which you participated on May 17, 2002. A copy of the transcript has been provided to Ms. Kandis Dascani, Assistant to the Superintendent, at SCI-Coal Twp. Under Federal Rules of Civil Procedure 30 (e) you have thirty (30) days to review and make any necessary changes to this deposition. The changes can be regarding typographical errors only. No changes can be made to the substance of information provided. Should you wish to review the transcript please contact Ms. Dascani. Upon your request Ms. Dascani will make arrangements for a mutually convenient time to review the transcript.

Also, as we discussed at your deposition you are not entitled to a copy of this transcript; however, you may purchase a copy at your expense from the Court Reporter. Should you have an interest in purchasing a copy of the transcript please advise Ms. Dascani and she will provide you with the address and phone number necessary to make your request.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Talaber".

John J. Talaber
Assistant Counsel
Pennsylvania Department of Corrections

JJT/cga

cc: Kandis Dascani
File

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Mr. Daccari</i>	2. Date: <i>7-6-02</i>		
3. By: (Print Inmate Name and Number) <i>Kim Smith CT2162</i> <i>Kim J Smith</i> Inmate Signature	4. Counselor's Name <i>Mr. Mason</i>		
	5. Unit Manager's Name <i>Mr. Smith</i>		
6. Work Assignment <i>F/S</i>	7. Housing Assignment <i>D-2-19</i>		
8. Subject: State your request completely but briefly. Give details. <i>I was told by John Balaban (CT) 721-0444 to contact you to review May 17, 2002 deposition summary transcripts in which he stated you were provided w. copy of. Also would you please give me the name and address of Court Reporter. Would you please advise me when and if you will let me review transcripts Thank You</i> <i>cc - 7-6-02 sent to U.S. District Court, John Balaban, K Smith, Smith v Morgan, et al No 1:01-0357 John Young</i>			
9. Response: (This Section for Staff Response Only)			
To DC-14 CAR only <input type="checkbox"/>			
To DC-14 CAR and DC-15 IRS <input type="checkbox"/>			

Staff Member Name _____ / _____ Date _____
Print Sign